

TABLE 15. REHABILITATION BENEFITS PROVIDED FOR INJURED WORKERS UNDER STATE WORKERS' COMPENSATION LAWS

<u>State</u>	<u>Rehab.</u> <u>Statutes*</u>		<u>WC</u> <u>Rehab.</u>	<u>Rehab.</u> <u>Unit Services*</u>	<u>Employer/Carrier</u> <u>Responsibilities 1/</u>	<u>Employee Re-</u> <u>sponsibilities</u>	<u>Penalties to</u> <u>Employees 2/</u>	<u>Employee</u> <u>Benefits</u> <u>During VR</u>
	<u>PR</u>	<u>VR</u>	<u>Unit</u>	<u>D / R / M</u>				
ALABAMA Secs. 25-5-57(a) (4) (i) 25-5-77	x	x	No		1) provide VR upon request of VR Spe- cialist and physi- cian 2) VR costs includ- ing board, lodging and travel	1) accept PR & VR	1) compensation suspended	TTD plus board & lod- ging if away from home, & travel

***LEGEND:**

WC = workers' compensation
PR = physical rehabilitation
VR = vocational rehabilitation
Rehab. Unit = Rehabilitation Unit
D = Direct (Rehab Unit provides rehabilitation services to claimants.)
R = Referral (Rehab Unit refers claimants to State agencies or private companies.)
M = Monitor (Rehab Unit monitors the cases it has referred.)
TTD = temporary total disability
PTD = permanent total disability
PPD = permanent partial disability
TPD = temporary partial disability

FOOTNOTES:

- 1/ Self-insurers, carriers or State Funds (when employers insure through the State) cover the costs of physical rehabilitation.
2/ Penalties that affect workers' compensation apply only to the period of time the employee refuses rehabilitation.
3/ Physical rehabilitation (PR) is covered under medical services.
4/ No vocational rehabilitation (VR) provision in the workers' compensation law.

TABLE 15. REHABILITATION BENEFITS PROVIDED FOR INJURED WORKERS UNDER STATE WORKERS' COMPENSATION LAWS (cont.)

<u>State</u>	<u>Rehab.</u> <u>Statutes*</u>		<u>WC</u> <u>Rehab.</u>	<u>Rehab.</u> <u>Unit Services*</u>	<u>Employer/Carrier</u> <u>Responsibilities 1/</u>	<u>Employee Re-</u> <u>sponsibilities</u>	<u>Penalties to</u> <u>Employees 2/</u>	<u>Employee</u> <u>Benefits</u> <u>During VR</u>
	<u>PR</u>	<u>VR</u>	<u>Unit</u>	<u>D / R / M</u>				
ALASKA Secs. 23.30.041 23/30.095	x	x	Yes	x	1) provide rehab within 90 days after an injury that precludes return to suitable gainful employment 2) VR costs including board, lodging and travel for a maximum of 74 weeks 3) TTD plus maximum \$200/month maintenance 4) VR training costs limited to \$10,000 for 2 years	1) accept PR & VR	1) compensation suspended	TTD plus maximum \$200/month maintenance; board and lodging if away from home
ARIZONA Secs. 23-1026 23-1065 (A) (1)	<u>3/</u>		No		1) at the discretion of the Industrial Commission, the State Special Fund pays some VR costs	1) accept PR	1) compensation reduced or suspended	
ARKANSAS Secs. 81-1310 (f) 81-1311 81-1314 (b) (5)	<u>3/</u>	x	No		1) VR costs & PPD for maximum 72 weeks 2) pays maximum 6 weeks additional compensation while employee is being evaluated for rehab & receiving no income	1) accept PR 2) not required to accept VR	1) compensation suspended	PPD plus travel & maintenance expenses

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u> / <u>M</u>				
CALIFORNIA Secs. 130.5 3209.5	x	x	Yes		x	1) VR costs 2) during PR & VR pay TTD & addi- tional living expenses 3) mandatory pay- ments generally capped at \$16,000	1) must request VR within 15 years of the date of injury	1) compensation withheld for refusal to cooperate	TTD plus maintenance at \$247 (limited to 52 weeks) and living expen- ses necessi- tated by re- habilitation; terminated VR services may be re- stored within 5 years after injury in certain cases
COLORADO Secs. 8-49-101 8-51-102 8-51-110	x	x	Yes		x	1) Major Medical Insurance Fund pays during VR: tuition; travel; maintenance expenses equivalent to TTD	1) accept PR	1) compensation reduced or sus- pended	weekly main- tenance equal to TTD; VR may be termi- nated by any party upon 14 days of writ- ten notice to all parties
CONNECTICUT Secs. 31-283 (a-c) 31-294 31-313	x	x	Yes		x	1) pays disability benefits during VR 2) pays medical rehab services	1) accept PR	1) compensation suspended	80% of TTD

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<u>State</u>	Rehab. Statutes*		WC Rehab. Unit	Rehab. Unit Services*			Employer/Carrier Responsibilities 1/	Employee Re- sponsibilities	Penalties to Employees 2/	Employee Benefits During VR
	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
DELAWARE Sec. 2353	x	x	No				1) VR costs 2) board, lodging & travel expenses during PR & VR	1) accept PR & VR	1) lose compen- sation; no com- pensation for increased disa- bility during refusal period	TTD
DISTRICT OF COLUMBIA Sec. 36-307 (a), (c) & (d)	<u>3/</u>	x	Yes		x		1) VR costs	1) accept PR & VR	1) compensation suspended	TTD plus maximum \$50/ week main- tenance
FLORIDA Secs. 440.13 440.49	<u>3/</u>	x	Yes	x	x		1) VR costs includ- ing board, lodging & travel for maxi- mum of 52 weeks 2) may be required to offer VR by Division of WC 3) make lump sum payments for rehab costs 4) maximum of \$5,000 of employee's weekly benefits given to drug program for rehab of employee	1) accept VR	1) compensation reduced 50% 2) 25% of com- pensation re- duced for re- fusal to use safety appliances	TTD plus board, lodging & travel

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
GEORGIA Sec. 114-501	x	x	Yes		x		1) VR costs plus board, lodging & travel for maximum of 26 weeks 2) WC Board may ex- tend time maximum	1) accept PR & VR	1) compensation reduced or sus- pended	TTD plus board, lodging & travel
HAWAII Secs. 386-24 386-25	x	x	Yes		x	x	1) Federal or State funds cover rehab costs, including maintenance expenses; maximum \$5,000/em- ployee for PR plus VR		1) compensation reduced or sus- pended	TTD plus travel, tu- ition, books & \$35/week living ex- penses
IDAHO Secs. 72-432 72-433 72-450 72-501A	x	x	Yes		x		1) VR travel costs 2) board, lodging & travel costs of PR 3) Special State Fund pays for PR & VR services			TTD plus transporta- tion costs
ILLINOIS Secs. 138.8 138.19	x	x	No				1) VR costs 2) PR & VR main- tenance expenses	1) accept PR	1) compensation reduced or sus- pended	TTD plus incidental maintenance expenses

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
INDIANA Secs. 22-3-3-4 22-3-12	x	x	Yes	x			1) travel expenses associated with PR 2) individualized VR plan developed by Office of VR	1) accept PR & VR	1) lose compen- sation; no com- pensation for increased disa- bility during refusal period	determined by the Office of VR
IOWA Secs. 85-27 85-70	x	x	Yes		x		1) VR costs 2) benefit payments during VR for maxi- mum of 26 weeks			TTD plus \$20/week
KANSAS Sec. 44-510g	x	x	Yes		x	x	1) may be required to provide PR & VR by Director of WC 2) pay TTD or TPD during rehab 3) in absence of Federal & State funds, pay VR costs for a maximum of 36 weeks, and \$3,500 to the employee for board, lodging & travel; and in unusual cases, an additional 36 weeks and \$2,000 may be approved	1) accept PR & VR	1) compensation suspended	TTD plus board, lodging & travel

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u> / <u>M</u>				
KENTUCKY Secs. 342.020 342-710	x	x	Yes		x	1) PR & VR costs 2) costs of board, lodging & travel during PR & VR 3) VR limited to 52 weeks; extension granted by ALJ in unusual cases	1) accept PR & VR	1) compensation reduced by 50%	normal weekly compensa- tion plus board & lodging, if away from home, & travel
LOUISIANA Secs. 23:1203 23:1223	x	x	Yes			1) PR & VR costs 2) TTD benefits during VR for a maximum of 26 weeks 3) costs of board, lodging & travel during PR & VR	1) accept PR & VR within 2 years after benefits for TTD are ter- minated	1) weekly com- pensation re- duced by 50% during refusal period	TTD plus board, lod- ging and travel if away from home
MAINE Secs. 52 54 65 82	x	x	Yes	x	x	1) VR costs 2) pays TTD plus maximum of \$35/ week during VR, for maximum of two years or cost of \$5,000 unless special circum- stances demonstrated	1) accept PR & VR	1) compensation suspended	TTD plus \$35/week for sus- tenance & travel

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
MARYLAND Secs. 36(9) 37	<u>3/</u>	x	Yes		x		1) VR costs, plus TTD & maximum \$40/ week maintenance for maximum 24 months; VR train- ing provided up to a maximum of 24 months	1) accept VR	1) compensation suspended	TTD plus maximum \$40/week maintenance for maximum 24 months; VR training provided up to a maximum of 24 months
MASSACHUSETTS Secs. 30A 30B 30C	x	x	Yes		x		1) VR costs 2) costs of board, lodging & travel during PR & VR	1) not re- quired to accept PR or VR	1) compensation suspended during period of re- fusal	TTD plus board, lod- ging and travel
MICHIGAN Secs. 418:315 418:319	x	x	Yes	x	x	x	1) costs of VR for maximum 104 weeks 2) costs of travel & expenses during VR 3) may be required to offer VR by WC Bureau	1) accept PR & VR	1) compensation reduced	compensation for "wage- loss" plus travel & necessary expenses

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<u>State</u>	Rehab. Statutes*		WC Rehab. Unit	Rehab. Unit Services*	Employer/Carrier Responsibilities 1/	Employee Re- sponsibilities	Penalties to Employees 2/	Employee Benefits During VR
	<u>PR</u>	<u>VR</u>		<u>D / R / M</u>				
MINNESOTA Secs. 176.101 176.102	x	x	Yes	x	1) offer employee rehabilitation counseling within 5 days when injury has caused 60 days lost work time and for back injury, after 30 lost work days 2) provide TTD benefits to 90 days after mmi or approved training 3) VR costs including tuition, books, day care, travel; board and lodging during travel, reasonable moving expenses and retraining up to 156 weeks 4) VR for surviving spouse in death cases	1) reasonable evaluation of VR needs	1) compensation suspended if employee refuses to make effort to cooperate with approved rehab plan 2) TTD benefits stop if employee withdraws from labor market, fails to search for appropriate work, or refuses work consistent with rehab plan	compensation for TTD 90 days after mmi or at the end of approved training; plus tuition, books, custodial daycare, travel, board & lodging during travel, and reasonable moving expenses

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	<u>PR</u>	<u>VR</u>	<u>Unit</u>	<u>D</u>	<u>R</u>	<u>M</u>				
MISSISSIPPI Secs. 71-3-15 71-3-19 71-3-93	<u>3/</u>	x	Yes		x		1) during VR, pay maximum \$10/week for 52 weeks 2) Second Injury Fund pays for VR services	1) accept PR	1) compensation suspended	TTD plus \$10/week for 52 weeks
MISSOURI Secs. 287.141 287.144	x	x	Yes		x		1) provide rehab within 120 days if injury results in a loss of suitable, gainful employment 2) pays VR & PR costs not to exceed \$5,000 for 26 weeks, plus board, lodging & travel; employer may extend addi- tional 26 weeks	1) accept PR	1) compensation reduced 50%	TTD or TPD plus board, lodging & travel

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<u>State</u>	<u>Rehab.</u> <u>Statutes*</u> PR VR	<u>WC</u> <u>Rehab.</u> <u>Unit</u>	<u>Rehab.</u> <u>Unit Services*</u> D / R / M	<u>Employer/Carrier</u> <u>Responsibilities</u> 1/	<u>Employee Re-</u> <u>sponsibilities</u>	<u>Penalties to</u> <u>Employees</u> 2/	<u>Employee</u> <u>Benefits</u> <u>During VR</u>
MONTANA Secs. 39-71-704 39-71-1003 39-71-1004 39-71-1006(3)	<u>3</u> / x	Yes	x x	1) contribute to Industrial Accident Rehabilitation Account; Account pays VR costs 2) in addition to providing biweekly benefits, carrier provides payment for tuition, fees, books, and other reasonable and necessary expenses, excluding travel and living expenses, for a disabled worker who is injured on or after 7/1/97	1) accept VR 2) must have actual wage loss and reasonable opportunity to reduce wage loss through rehab 3) must begin rehab within 78 weeks of reaching maximum medical healing	1) compensation suspended	1) VR expenses; upon certification, may also receive benefits not to exceed 104 weeks 2) benefits are paid for up to 10 weeks while injured worker is waiting to begin plan 3) benefits to continue 26 weeks after healing period except for certain cases 4) payment for tuition, fees, books, and other reasonable and necessary retraining expenses for injuries occurring on or after 7/1/97

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
NEBRASKA Secs. 48-121 48-161.01 48-162.01	x	x	Yes	x	x		1) may be required by WC Court to offer PR 2) cost of board, lodging & travel during PR 3) State VR Fund pays VR costs, ex- cept TTD 4) fees for VR eval- uation & plan paid by employer	1) accept PR & VR	1) compensation reduced or suspended	TTD plus board, lod- ging & travel
NEVADA Secs. 616.222 616.223 616C.555.2 616C580.1 (a) (b)	x	x	Yes	x	x	x	1) State Fund or Self-Insurer pays cost of VR and main- tenance benefits 2) VR services may be provided in certain circumstances up to six months. 3) VR services may be offered out of State to an injured employee who lives 50 miles from any border of Nevada, or if employee can demon- strate that on date of injury his/her permanent residence was outside of State.	1) accept PR & VR	1) compensation suspended	an allowance that would not exceed TTD

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
NEW HAMPSHIRE Sec. 281:21	<u>3/</u>	x	Yes		x		1) VR costs, including books, tools, board & lodging	1) accept VR	1) compensation loss	TTD plus books, tools board, lodging & travel
NEW JERSEY Secs. 34:15-12 (b) 34:15-15	x	x	No				1) may be required by courts to pay VR costs; otherwise, paid by Vocational Rehabilitation under the Department of Labor & Industries	1) accept PR & VR	1) compensation suspended	TTD
NEW MEXICO Sec. 52-3-17 of Occupational Disease Dis- ablement Law	x	x	No				1) VR costs; but if employee refuses to submit to evaluation or accept VR, employer only pays for medical and disability benefits 2) during VR, costs of board, lodging, tuition, travel and all other expenses; two year limit in which to complete VR training and \$2,500 limit for employee evaluation and counseling	1) accept VR		TTD plus board, lodging, tuition, travel and all other expenses for up to two years
NEW YORK Secs. 13 15 (9)	<u>3/</u>	x	Yes		x		1) contribute to State VR Fund; Fund pays VR costs, except TTD			TTD plus maximum \$30/ week maintenance

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	<u>PR</u>	<u>VR</u>	<u>Unit</u>	<u>D / R / M</u>				
NORTH CAROLINA Secs. 97-25 97-59	x	<u>4/</u>	Yes	x		1) accept PR	1) compensation suspended	
NORTH DAKOTA Secs. 65-05.1-01 through 65-05.1-06	x	x	Yes	x	1) State WC Bureau pays VR costs and benefits 2) VR costs, maxi- mum 104 weeks; VR allowance includes cost of books, tui- tion, fees, equip- ment, tools, or supplies 3) additional bene- fits may be awarded for actual relocation expenses, up to two months of benefits for work search, and for catastrophic in- jury beyond 5 years	1) accept PR & VR	1) compensation suspended	a rehab allowance not to ex- ceed two years' week- ly compensa- tion and de- pendent bene- fits plus 25%, except for a catas- trophic in- jury; worker also remains eligible for partial dis- ability bene- fits; maximum award of \$20,000 for relocation/ remodeling or for adapta- tions to real estate
OHIO Secs. 4121.61 through 4121.69	x	x	Yes	x	1) State Surplus Fund or Self-Insurer pays costs of VR and maintenance			Living expense not to exceed TTD, but not less than 50% of the SAWW

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
OKLAHOMA Secs. 14 15 16	x	x	Yes	x	x		1) during PR & VR, costs of services, compensation, board, lodging, travel tuition and books 2) VR costs maximum 104 weeks 3) may be required to offer PR & VR by WC Court	1) not required to accept PR or VR	1) benefits limited to partial disa- bility payments	normal week- ly compensa- tion plus living expen- ses, if travel re- quired
OREGON Secs. 656.202 656.245 656.258 656.268 656.283 656.325 656.335 656.340	x	x	Yes			x	1) State Administra- tive Fund pays VR costs for injuries prior to 1986 2) insurer respon- sible for costs of post 1985 injuries 3) WC Department certifies private rehab counselors and authorizes companies 4) insurer provides all assistance for rehab	1) accept PR & VR 2) appeal of an insurer's decision must be filed with the Department within 60 days	1) compensation reduced or sus- pended 2) forfeiture of VR benefits	TTD for 16 months while in training; may be ex- tended to 21 months under certain con- ditions
PENNSYLVANIA Sec. 306(f) (4)	<u>3/</u>	<u>4/</u>	No					1) accept PR	1) no compensa- tion for in- creased disa- bility during refusal period	

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	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u> / <u>M</u>				
PUERTO RICO Secs. 3.1, 3.2 6	<u>3</u> /	x	No			1) Exclusive State Fund pays costs & benefits of PR & VR			TTD for maximum 26 weeks
RHODE ISLAND Secs. 28-33-5 28-33-6 28-33-41 28-38-1 thru 28-38-5	x	x	Yes	x		1) submit a rehab evaluation to Dir- ector of Labor after 3 months of compen- sation 2) VR costs includ- ing board, lodging & travel 3) contribute to Rehab Center Fund	1) accept PR &VR	1) compensation suspended	TTD or PPD plus board & lodging, if away from home, & travel
SOUTH CAROLINA Secs. 42-3-80 42-15-60	<u>3</u> /	x	No			1) VR costs 2) employer must provide and enforce use of safety appliances	1) accept PR	1) compensation suspended	TTD
SOUTH DAKOTA Secs. 62-4-1 62-4-5.1	<u>3</u> /		No			1) pays TTD up to 60 days during VR 2) in place of rehab, employer may pay sup- plemental wage bene- fits and return to work incentive payments			TTD
TENNESSEE Secs. 50-1004 50-1028	<u>3</u> /		No			1) Division of WC refers cases for VR to the State Depart- ment of Education	1) accept PR	1) compensation suspended	

TABLE 15. REHABILITATION BENEFITS PROVIDED FOR INJURED WORKERS UNDER STATE WORKERS' COMPENSATION LAWS (cont.)

<u>State</u>	<u>Rehab.</u> <u>Statutes*</u>		<u>WC</u> <u>Rehab.</u> <u>Unit</u>	<u>Rehab.</u> <u>Unit Services*</u>		<u>Employer/Carrier</u> <u>Responsibilities</u> 1/	<u>Employee Re-</u> <u>sponsibilities</u>	<u>Penalties to</u> <u>Employees</u> 2/	<u>Employee</u> <u>Benefits</u> <u>During VR</u>
	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>			
TEXAS Part 1, Sec. 7, 7e(a) Part 2, Sec. 4	x	x	No				1) accept PR		
UTAH Secs. 35-1-67 35-1-69 35-1-81	3/	x	No			1) Industrial Com- mission refers all potential PTD cases to the State Office of Rehabilitation for VR training 2) Second Injury Fund pays VR costs, maximum \$3,000 per employee	1) accept VR	1) will not re- ceive PTD from Second Injury Fund after em- ployer's lia- bility for PTD ends after 312 weeks	an allowance of \$1,800 to replace each artificial means or appliance; maximum of \$3,000 for VR
VERMONT Secs. 640 641	3/	x	No			1) VR costs, books tools; board, lod- ging & travel, if travel is required	1) accepts VR	1) compensation suspended	TTD plus books, tools, board & lod- ging, if away from home, & travel
VIRGINIA Sec. 65.1-88	x	x	No			1) PR & VR costs	1) accept PR & VR	1) compensation suspended	TTD; maximum \$20,000 is allowed for rehab appli- ances pre- scribed by the treating physician for medical care

TABLE 15. REHABILITATION BENEFITS PROVIDED FOR INJURED WORKERS UNDER STATE WORKERS' COMPENSATION LAWS (cont.)

<u>State</u>	Rehab. Statutes*		WC Rehab. Unit	Rehab. Unit Services*		Employer/Carrier Responsibilities 1/	Employee Re- sponsibilities	Penalties to Employees 2/	Employee Benefits During VR
	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u> / <u>M</u>				
WASHINGTON Secs. 51.32.095 51.36.010 51.36.050 51.52.250	<u>3</u> /	x	Yes	x	x	1) during VR, State Fund or self-insurer pays for services, books, tuition, fees, supplies, equipment, child care or dependent care, travel (maximum \$4,000 in any 52-week period), and other expenses necessary for self-employment, reemployment or job placement	1) accept VR	1) compensation reduced by 50%	maximum 104 weeks TTD plus maximum \$3,000 in any 52-week period for books, tuition, fees, supplies, equipment child care or dependent care, & travel; board & lodging if away from home; job modification costs not to exceed \$5,000
WEST VIRGINIA Secs. 29-4-3 29-4-9	x	x	Yes		x	1) State Fund or self-insurer pays cost of VR (maximum \$10,000/employee)			TTD

TABLE 15. REHABILITATION BENEFITS PROVIDED FOR INJURED WORKERS UNDER STATE WORKERS' COMPENSATION LAWS (cont.)

<u>State</u>	<u>Rehab.</u> <u>Statutes*</u>		<u>WC</u> <u>Rehab.</u> <u>Unit</u>	<u>Rehab.</u> <u>Unit Services*</u>			<u>Employer/Carrier</u> <u>Responsibilities</u> 1/	<u>Employee Re-</u> <u>sponsibilities</u>	<u>Penalties to</u> <u>Employees</u> 2/	<u>Employee</u> <u>Benefits</u> <u>During VR</u>
	<u>PR</u>	<u>VR</u>		<u>D</u>	<u>R</u>	<u>M</u>				
WISCONSIN Secs. 102.42 102.43 102.61	x	x	No				1) VR costs, in- cluding maintenance & travel			maximum 40 weeks TTD plus travel & maintenance extensions available
WYOMING Secs. 27-12-401 27-12-406	<u>3/</u>	<u>4/</u>	No							
UNITED STATES*: FECA Secs. 8103, 8104, 8111, 8113	<u>3/</u>	x	Yes		x		1) Employees' Com- pensation Fund pays PR & VR costs, in- cluding travel	1) accept VR	1) compensation decreased	TTD plus maximum \$200/ month main- tenance
LHWCA Secs. 7(a) - (d) 8(g) 39(2)	<u>3/</u>		Yes		x		1) contribute to Special Fund; Fund pays VR costs, except TTD	1) accept PR	1) compensation suspended	TTD plus maximum \$25/ week main- tenance

*Federal Employees' Compensation Act; Longshore and Harbor Workers' Compensation Act